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*Testimony before the Senate Committee on Universities, Technical Colleges, Children and Families
Senator André Jacque
March 10, 2020*

Chairman Kooyenga and Committee Members,

Thank you for holding this hearing and the opportunity to testify in support of Senate Bill 734 / Assembly Bill 786, which will provide greater assistance to those seeking to become adult guardians and those they will protect. I am happy to note that this legislation enjoys exceptional bi-partisan co-sponsorship among both this committee and the legislature as a whole, and passed the State Assembly with a unanimous 99-0 vote last month.

On the spectrum of delegation of decision-making by an adult, guardianship is the most restrictive and complete in comparison to the alternatives, such as power of attorney. Many family members and volunteers who become a guardian do not fully understand what a guardian's role, responsibilities, and administrative duties are under Wisconsin law prior to being appointed. Frequently guardians feel overwhelmed, unprepared, isolated, and unsupported.

Wisconsin's Guardianship Support Center (GSC) hears from guardians across the state who are struggling and looking for assistance. Annually, they field approximately 1,800 phone calls and e-mail requests and conduct about 35 in-person trainings across the state. People in every Wisconsin county are contacting the GSC for help.

Twenty-one states require training for all guardians. Wisconsin does not have training requirements or a formalized training program for family or volunteer guardians. Unfortunately, lack of training can result in guardians making decisions that are contrary to the spirit of Wisconsin's limited guardianship system, and in some cases making decisions for their ward that go beyond what the courts have authorized.

Senate Bill 734 / Assembly Bill 786 would ensure that individuals petitioning for guardianship have basic training about the roles and responsibilities of guardians under state statute and best practice strategies to ensure the wishes and preferences of the ward are understood and honored in the decision-making process before they are appointed.

This important legislation will require the development of free online training for current and prospective guardians that can be accessed at any time, and increase capacity to provide technical assistance, in-person training, and support to prospective guardians, guardians, and families.

This legislation is supported by the Survival Coalition, Wisconsin Aging Advocacy Network (WAAN), Greater Wisconsin Agency on Aging Resources (GWAAR), Board for People with Developmental Disabilities (BPDD), Disability Rights Wisconsin (DRW), AARP, the Wisconsin Coalition of Independent Living Centers, and The Arc Wisconsin. I am very appreciative of the of the stakeholders who helped develop this legislation that are here to testify today.

Thank you for your consideration of Senate Bill 734 and Assembly Bill 786.



SHANNON ZIMMERMAN

STATE REPRESENTATIVE • 30th ASSEMBLY DISTRICT

Chairman Kooyenga and Committee Members,

Thank you for taking the time today to hear testimony on this important bill. I would be remiss if I didn't first thank my constituents, George Zaske and Peg Scott. Thank you both not only for caring deeply about our community, but taking the time to explain to me the need for this bill.

Guardianship is a serious step where an individual's right to make their own life decisions is (either partially or fully) taken away and given to someone else through our court system. When this happens with adults, the decision is often permanent, and reversal is very difficult.

It's a humbling amount of responsibility to be someone else's guardian. However, in my talks with my constituents, and the Board for People with Developmental Disabilities (BPDD), I learned how often people become guardians for family members without fully understanding the law or resources available. As an unfortunate result, they become overwhelmed and feel isolated.

Assembly Bill 786 (AB 786)/ Senate Bill 734 addresses this problem. The bill establishes the creation of mandatory training requirements for all guardians, listing out seven different topics to be included in a free online training module, such as the limits of guardian decision making, rights of the ward, future planning, and resources and support available to guardians. Guardians of the estate must complete training on their particular duties, the limits of their decision making authority, and sign a sworn and notarized statement to the court they have completed their training. The Department of Health Services will award a grant to develop and administer this program.

The Guardianship Support Center fielded 1800 calls from people confused about the law in 2019. This again shows how vital it is to make this important information accessible for families and guardians.

BPDD assured me this training would not be overly onerous. We are not trying to erect barriers to guardians, but provide them the resources to succeed. Based on BPDD's own training experience, along with the 21 other states which mandate guardian training, we can expect 5 to 20 minutes per topic.

Regarding mandating training I want to stress again how serious guardianship is. It is a very serious decisions, one that isn't made easily or quickly, when a court takes away a person's civil liberties and places them under the authority of another person. Guardianship decisions are made when necessary for the best interest of the person involved, but it is a significant responsibility, one that I don't think is unreasonable to require a few hours of learning by the guardian.

Assembly Bill 786 passed the State Assembly 99-0, as amended. Amendments 1 and 3 clarified that this bill only applies to adult guardianship. Amendment 2 clarified the training is not required to only take place online. Amendment 4 removed the funding portion of the bill.

Ultimately this bill is for two groups of people, guardians and the people they care for. Thank you.



WISCONSIN BOARD FOR PEOPLE
WITH DEVELOPMENTAL DISABILITIES

March 10, 2020

Senator Kooyenga
Chair, Senate Committee on Universities, Technical Colleges, and Children & Families
Wisconsin State Capitol, Rm 310S
Madison, WI 53707

Dear Senator Kooyenga and Committee members:

The Wisconsin Board for People with Developmental Disabilities (BPDD) supports SB 734/AB 786, which would provide free online training to family and volunteer guardians about the role, responsibilities, and other important features of Wisconsin's guardianship law before they are appointed.

Nationally, there is growing interest among advocates and attorneys practicing in elder and disability law to improve adult guardianship practices, especially in light of new options that provide less restrictive alternatives to guardianship, the civil rights advancements of individuals with disabilities that have occurred over the past several decades, concern over how and to what degree guardianships are imposed and rights are restored,¹ and recognition of the profound consequences appointment of a guardian may have for an individual². Guardian training is consistently identified and included as a policy recommendation by both aging and disability advocates.

Guardian training is critically needed to provide standardized information and a continually available reference to help ensure both the letter and spirit of Wisconsin's law are followed. Given the gravity that a judicial declaration of legal incompetency has for the individual, and the seriousness of the responsibility a guardian assumes, providing free training is a worthwhile investment to support the volunteers and family members willing to serve their ward³.

Family and volunteer guardians are not the only people who benefit from standardized, plain language training. Accurate information about guardianship and alternatives to guardianship benefits teachers, medical staff, aging and disability resource centers, direct service providers, attorneys who have expertise in different areas of Wisconsin law, and other professionals who may interact with guardians or their wards. Standardized training

¹ *Turning Rights into Reality: How guardianship and alternatives impact the autonomy of people with Intellectual and Developmental Disabilities*. June 2019 (https://ncd.gov/sites/default/files/NCD_Turning-Rights-into-Reality_508_0.pdf) *Beyond Guardianship: Toward Alternatives That Promote Greater Self-Determination for People with Disabilities*. National Council on Disability. March 2018.

(https://ncd.gov/sites/default/files/NCD_Guardianship_Report_Accessible.pdf). *Research and Recommendations on Restoration of Rights in Adult Guardianship*. American Bar Association. 2017.

(https://www.americanbar.org/content/dam/aba/administrative/law_aging/restoration%20report.authcheckdam.pdf)

² *What Do NCI Data Reveal About the Guardianship Status of People With IDD?* (April 2019) (https://www.nationalcoreindicators.org/upload/core-indicators/NCI_GuardianshipBrief_April2019_Final.pdf)

³ Basic data on guardianships in Wisconsin is limited. There is no statewide data collection on guardianships, each county courthouse keeps its own records. From an August 2015 analysis of data reported to Wisconsin's Consolidated Court Automation Programs (CCAP), there are almost 34,000 people under guardianship in Wisconsin³, and more than \$690,000,000 in assets under the supervision of a guardian³. Wisconsin State Court data does track the number of guardianship petitions filed each year³, almost 6000 guardianship petitions were filed in 2016; the median age at disposition was 40. The low average ages of the wards indicate that many people placed under guardianship are not older adults.

helps everyone better recognize guardians who are supporting their wards appropriately or identify situations that warrant further questions.

For many people with disabilities⁴, the court appointed guardian is often a family member, frequently a parent. Most family members who become a guardian of a person or estate under Wis. Stats. Ch 54 do not fully understand a guardian's role, responsibilities, and administrative duties under Wisconsin law. Common misperceptions we routinely hear from people with I/DD, families, and service providers include:

- Assumption that the guardian can make all decisions connected to the ward,
- Belief that the guardian is allowed restrict their ward's activities or prevent "bad" choices
- Lack of understanding of long-term implications and consequences of guardianship⁵.
- Misperception by family guardians that the role of a guardian/ward is not distinct and different than role of parent/child.
- Acting in contradiction to the spirit of Wisconsin's limited guardianship system⁶.
- Uncertainty by health care, professionals, and service agencies on whether they can confirm and verify who the guardian is and what decision-making authority has been granted.
- Uncertainty from service providers about whether a guardian is overstepping their authority and what actions they can/should take if they believe this is the case.

As the population ages, people with disabilities live longer, and families have become smaller and more geographically dispersed, it becomes more likely that someone will assume a guardian role unexpectedly or without preparation. Many families have not done future planning or find their plans have not sufficiently evolved over years (or decades) to reflect their current circumstances. Basic Guardian training that is always available can help families plan and help prospective guardians who find themselves stepping into a new role sooner than anticipated.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities⁷.

Thank you for your consideration,

Beth Swedeen

Beth Swedeen, Executive Director, Wisconsin Board for People with Developmental Disabilities

⁴ People with Intellectual and Developmental Disabilities (I/DD) are disproportionately affected by guardianship. Frequently, guardianships are imposed upon people with I/DD at a young age (17 years, 9 months) and are rarely revisited. Many people spend many decades—their entire lifespan—under guardianship.

⁵ Examples: families not understanding the Courts role as decider once a guardianship is in place, 2) not understanding what rights have been taken away or preserved 3) assumption on who is willing/able to take on the role of a guardian, families may not plan or revisit their plan as the support network and individual's lives change or end 4) assessment changing willingness or capability of performing as guardian, etc.

⁶ Including lack of understanding of what statutory rights wards retain and , and the statutory requirements for the guardian of the person place the least possible restriction on the ward's personal liberty and exercise of constitutional and statutory rights, and promote the greatest possible integration of the ward into his or her community, and responsibility to make diligent efforts to identify and honor the ward's preferences.

⁷ More about BPDD https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf.



Greater Wisconsin
Agency on Aging Resources, Inc.

Date: March 10, 2020

To: Chair Kooyenga, Vice-Chair Nass, and Members of the Senate Committee on Universities, Technical Colleges, Children and Families

From: Janet L. Zander, Advocacy & Public Policy Coordinator

Re: **Support for SB 734/AB 786** – relating to: guardian training requirements and making an appropriation

The Greater Wisconsin Agency on Aging Resources, Inc. (GWAAR) is a nonprofit agency committed to supporting the successful delivery of aging programs and services in our service area consisting of 70 counties (all but Dane and Milwaukee) and 11 tribes in Wisconsin. We are one of three Area Agencies on Aging in Wisconsin. We provide lead aging agencies in our service area with training, technical assistance, and advocacy to ensure the availability and quality of programs and services to meet the changing needs of older people in Wisconsin. Our mission is to deliver innovative support to lead aging agencies as we work together to promote, protect, and enhance the well-being of older people in Wisconsin.

Thank you for this opportunity to share testimony on SB 734/AB 786. In addition to providing training and technical assistance to county and tribal aging units/aging and disability resource centers (ADRCs) regarding Older Americans Act and other aging service programs, GWAAR also operates a number of other programs including the Wisconsin Guardianship Support Center (GSC) - <https://gwaar.org/guardianship-resources>. The GSC serves as a statewide resource for information and assistance on issues related to adult guardianship, protective placement, advance directives, and supported decision-making. Through a toll-free helpline or by e-mail, the GSC received nearly 1,800 contacts (2018) from guardians or persons under guardianship (24%), concerned family members or friends (25%), and a variety of professionals (16%). Common questions received by the GSC relate to alternatives to guardianship, resources for prospective guardians, questions about guardian duties and ward rights, concerns about guardians exceeding their role and legal authority, and inquiries about how to maintain financial records and file annual accountings. Contacts to the one full-time attorney serving the GSC came from people in 89% of Wisconsin counties and we know there are many more people across the state who would avail themselves of the Center's resources if they knew about them.

Adult guardianship is a serious intervention that transfers fundamental rights away from a person (the ward) to a court appointed guardian. A guardian of the person is responsible for decision-making related to major life decisions such as where to live, medical care, service options, and other choices related to meeting daily wants and needs. A guardian of the estate manages a ward's property and financial affairs. As of 2015, over \$500 million was overseen/managed by guardians (family, volunteer and corporate) in Wisconsin (WINGS, 2015). Guardians are

responsible for making decisions in such a way as to place the least restrictions on the ward's personal liberty and exercise of his/her constitutional and statutory rights, promote the highest level of integration into the community, and honor the ward's individual wishes and preferences (Wis. Stats. Ch. 54.20 & 54.25). Depending on the circumstances, a court may name one person both guardian of the person and guardian of the estate, or name one person the guardian of the person and another the guardian of the estate. Though guardians (who are often family members, close friends, or community volunteers) are responsible for carrying out these roles and responsibilities in accordance with the Wisconsin Guardianship statutes, there is little support currently available for prospective guardians. **To ensure guardians are fully aware of and prepared to carry out their roles and responsibilities and to improve the well-being of people under guardianship, AB 786 proposes training *before* someone becomes a guardian.**

Losing the right to make your own decisions is never easy. Ideally, if an older person finds themselves in a position where he/she is no longer able to make decisions for him/herself, plans will already have been made outlining who will help manage medical decisions (advance directive/power-of-attorney for healthcare) and finances (power-of-attorney for finances). With these plans in place the person's wishes will hopefully have been made clear. Unfortunately, there are times when an older person has not yet set up durable powers-of-attorney in advance. In these cases, it may be necessary to ask the court to appoint a guardian to assist with making these decisions. Training will help prospective guardians focus on protecting and preserving the rights of the individual they are serving as they are tasked to make critical life decisions for that individual and to carry out their roles and responsibilities in a way that honors choice as central to quality of life. Engaging the older person (ward) as much as possible in life decisions increases hope, purpose, and meaning in life.

Presently, the Department of Health Services (DHS) requires Corporate Guardians – a private nonprofit corporation or an unincorporated association appointed by a court to serve as guardian of the person, or of the estate, or both, of an individual who is found by a court to be in need of a guardian - DHS 85.03(2) – to complete continuing education requirements - 85.10(2). Wisconsin does not, however, have any training requirements or formalized training program for family or volunteer guardians. Most family guardians are every day, upstanding people trying to do the right thing to help a family member. Volunteer guardians are community members who reach out to help a fellow community member who does not have family or close friends to serve in this role. Family and volunteer guardians are often caught off guard by the complexities of the guardianship system and their associated responsibilities. When problems arise, they are often the result of not knowing or misunderstanding the rules and not malicious intent. AB 786 proposes training for potential guardians on topics specific to the guardian of the person and guardian of the estate statutes. We believe training people before they are appointed as a guardian will help ensure all decision-making options have been explored, those agreeing to be appointed as a guardian will do so after making a better informed decision, and appointed guardians will better understand how to carry out their roles and responsibilities while respecting their ward's rights and the limitations of their own power. Additionally, this training will ensure going forward that guardians will be informed about where to go for information and resources should there be a need.

J. L. Zander – AB 786 Testimony – Assembly Committee on Judiciary_1/30/20

Appropriations included in the original bill are to be used to develop the training materials (both online and paper copy), implement the training, expand outreach and increase capacity to provide needed guardianship information and support services.

We appreciate the interest in and efforts of policy makers to address growing concerns related to the impact of guardianships on older adults and people with disabilities. We look forward to continuing to work with you on policies that improve the quality of life of older people in Wisconsin.

Thank you for your consideration of these comments supporting SB 734/AB 786.

Contact: Janet Zander, Advocacy & Public Policy Coordinator
Greater Wisconsin Agency on Aging Resources, Inc.
janet.zander@gwaar.org
(715) 677-6723 or (608) 228-7253 (cell)

Disability Rights Wisconsin Testimony to Senate Committee on
Universities, Technical Colleges, Children and Families

SB734 and AB 786: Creating a Guardian Training Requirement

Attorney Mitchell Hagopian

March 10, 2020

Thank you for the opportunity to provide our perspective on SB734 and AB 786. These bills would create a requirement that volunteer and noncorporate guardians receive basic training in the areas in which they will be expected to exercise decision-making prior to accepting appointment. Based on experiences encountered in our practice, there is a critical need for training of guardians prior to them assuming their responsibilities. As the Protection and Advocacy agency for people with disabilities in Wisconsin, we are frequently contacted about conflicts between wards and guardians. Some of these contacts are initiated by wards. But many are initiated by service providers who are concerned and uncomfortable with the way a guardian is exercising authority.

This proposal has the potential to positively impact the lives of people with intellectual disabilities who are considered for guardianship by: 1) avoiding the need for guardianship altogether; 2) limiting the guardianship if one is justified; and 3) avoiding conflicts between guardians and their wards after the guardianship is imposed.

Because the training will also cover less restrictive alternatives to guardianship, the training may also reveal to potential guardians (often times parents who are already deeply involved in their adult child's life) that there may be less restrictive ways to achieve the same—or higher—level of protection from abuse, neglect or exploitation than what guardianship affords. It also may help the proposed guardian tell the Judge how the guardianship could be limited.

An added benefit to this proposal is that the materials created pursuant to it would be generally available as training and orientation materials for people long before they are involved in an actual guardianship court proceeding. A parent of a 16 or 17-year-old might be directed to these materials by school personnel during the transition planning process and realize that there are less restrictive alternatives to guardianship—like supported decision-making, powers of attorney, etc.—that they can try out before seeking guardianship, potentially resulting in a limited guardianship or preventing the need for any type of guardianship at all.

From our perspective, a critical area where guardians need training and orientation relates to the requirement to consider the wishes of and involve the ward in, decisions made by the guardian.

Section 54.25 of the Wisconsin guardianship statute imposes the following obligation on guardians regardless of the level of incompetency of the ward:

MADISON

131 W. Wilson St.
Suite 700
Madison, WI 53703
608 267-0214
608 267-0368 FAX

MILWAUKEE

6737 West Washington St.
Suite 3230
Milwaukee, WI 53214
414 773-4646
414 773-4647 FAX

RICE LAKE

217 West Knapp St.
Rice Lake, WI 54868
715 736-1232
715 736-1252 FAX

disabilityrightswi.org

800 928-8778 consumers & family

(d)3. In exercising powers and duties delegated to the guardian of the person under this paragraph, the guardian of the person shall, consistent with meeting the individual's essential requirements for health and safety and protecting the individual from abuse, exploitation, and neglect, do all of the following:

a. Place the least possible restriction on the individual's personal liberty and exercise of constitutional and statutory rights, and promote the greatest possible integration of the individual into his or her community.

b. Make diligent efforts to identify and honor the individual's preferences with respect to choice of place of living, personal liberty and mobility, choice of associates, communication with others, personal privacy, and choices related to sexual expression and procreation. In making a decision to act contrary to the individual's expressed wishes, the guardian shall take into account the individual's understanding of the nature and consequences of the decision, the level of risk involved, the value of the opportunity for the individual to develop decision-making skills, and the need of the individual for wider experience.

In our experience, guardians are usually unaware of these requirements and are surprised to learn of them. For younger people with intellectual disabilities, failure by the guardian to follow the statutory direction often leads to friction between the guardian and the ward, particularly when the guardian is a parent or other close relative.

Being unaware of the statutory requirement, the parent-guardian often assumes that becoming guardian simply extends the parental role beyond age 18. And extends it indefinitely. Much of our work involves providing individual education and training to guardians who are making decisions for their ward without consultation or consideration. For them, particularly if they have been guardians for some extended period of time, it is difficult to reorient their perspective. Some cannot.

Here are some examples of cases in which Disability Rights Wisconsin has represented people under guardianship that illustrate the need for guardian training:

- DRW represented a 50 year-old woman with a mild intellectual disability because her father who was also her guardian was prohibiting her from having any type of personal relationships (personal interactions, telephone communications etc.) with people of the opposite sex. Because the ward's residential provider agency was balking at his unreasonable and inhumane restrictions, his plan was to remove her from their care, terminate her employment situation, relocate her to the other side of the state, and place her with a new provider who had assured him they would implement any limitation he sought to impose. When DRW's attempt to educate the guardian about his duties and limitations of his authority failed, we represented the ward in a court action to review the conduct of the guardian and seek his removal (which the court did). Unfortunately, the experience destroyed the father/daughter relationship—something that might have been avoided had the guardian been aware of limitations on his authority when he first became guardian.

- DRW recently mediated a dispute between a 30 year old woman and her guardian—who is also her adoptive parent. The guardian was dictating the type of clothing and what hairstyles her ward can wear and is restricting spending money and the development of financial management skills. The ward clearly has the capacity to control more money than what the guardian allowed. She also, obviously, has the right to personal choices in clothing and hairstyle. After education and mediation, the guardian now understands the limitation on her authority and is willing to engage with her ward on issues of personal preference and the need for the ward to gain experience in basic life activities.
- DRW has investigated several cases of medical neglect of wards by guardians. These are typically death investigations. These cases arise because guardians of people with significant intellectual impairment are unaware of limits on their authority to withhold or withdraw life-sustaining medical treatment from their wards. Because of a lack of training, guardians often make “quality of life” judgments about their wards that, under Wisconsin Supreme Court precedent, are impermissible. These cases have included the withholding of antibiotics with the expectation that the ward/patient’s condition will worsen and lead to their death, based on the subjective belief that the person has “no quality of life” because they have a significant intellectual disability.
- DRW has also been involved in cases where guardians have declined to provide routine medical screenings to their wards because the exams themselves will be hard for caregivers and medical personnel to manage. One such case involved a guardian who initially declined to authorize a screening colonoscopy for her 50 year-old ward who had a strong family history of colorectal cancer. The reason for the failure to authorize was the guardian’s belief that it would be difficult for the ward to tolerate the pre-procedure preparation. Once informed about her responsibilities and confronted with what was likely to happen to the ward if she developed untreated colorectal cancer, the guardian agreed to have her ward screened, despite the inconvenience of the prep.

DRW appreciates the opportunity to provide this information to the Committee.

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March 10, 2020

Senator Kooyenga
Chair, Senate Committee on Universities, Technical Colleges, Children and Families
Wisconsin State Capitol, Room 310
Madison, WI 53707

Dear Senator Kooyenga and Committee Members,

I am writing in support of the Guardian Training bill (SB 734/AB 786) because I know it will help family and volunteer guardians be better prepared for their role when and if they are appointed by the courts.

I first learned about guardianship in 2004, when my brother with autism was having a major mental health crisis. He ended up in the hospital for several weeks, and as I was trying to figure out how to best support him through the crisis, someone suggested that I could become his guardian. I had no idea what that meant, so I reached out to a former college professor who specialized in disability and asked for advice. My professor asked me why I thought my brother needed a guardian and explained that if my brother was capable of making his own decisions and asking for help when he needed it, then he didn't really need a guardian. It was such a relief to feel like it was okay to not add one more task to my plate when my brother was in crisis.

I feel lucky that I had someone with expertise that I could call, and I know firsthand that not every family in Wisconsin has the benefit of that knowledge. I am now the director of LOV Inc., a family-led organization that supports the families of adults with disabilities as they seek to create enriching and meaningful lives. Many of the families we work with regard guardianship as one of many tasks to do as their child approaches the age of 18. I know for many families, they see it as a continuation of their parental role, and don't recognize the difference in being the parent of a minor and the guardian of an adult. Only once they are appointed as their adult child's guardian do they start to understand what they have signed up for.

I have spoken to many guardians who were not sure if they were guardian of the person or guardian of the estate and couldn't tell you if they had full or partial guardianship and which rights their ward had maintained. Individuals with disabilities and their families often express frustration at the many ways guardianship limits their loved one's life, including preventing them from voting or being able to hunt or fish with their family.

I know a young man in Madison whose parents are his guardians. He feels shut out of decisions that impact his future and feels like the service providers he relies on value his guardian's input more than his own. He recently expressed a desire to move out of his parent's house and begin a more independent life, but he can't sign a lease agreement himself because of the guardianship arrangement. He and his parents have disagreed about whether or not he is ready to move out in the past, and he's very nervous to bring this up with them again. If he and his parents were able to review the Guardian Training information, I think they would all be able to have a more open conversation about his future and how decisions will get made.

I frequently speak to families who were encouraged to seek guardianship by someone from their child's school or a health care provider. It can be terrifying for families to hear from their child's teacher that the school can't talk to them once their child is 18. However, school and medical systems have many tools for gaining a student's approval to speak to their parents, and these tools are used all the time for individuals without disabilities. Release of information forms are a quick and simple tool that address this issue, without the time and cost of placing a person under a permanent legal guardianship. I believe that giving families access to the free Guardian Training will empower them to share that information with professionals they come into contact with, so that those individuals have a better understanding of how guardianship works, and can make more thoughtful recommendations to other families they come into contact with.

My hope is that the free Guardian Training will give my organization another resource to offer families as we support them to prepare and plan for the future. I would anticipate many families reconsidering whether guardianship is necessary, much like I did when I spoke with my professor all those years ago. My hope would be for families to feel less rushed into making the decision before their child turns 18, and instead make use of the many other tools that are out there to help them support their child through their first adult decisions.

Thank you for your time and consideration,

Stefanie Primm, Executive Director
LOV Inc.-Living Our Visions Inclusively

Testimony to Senate Committee on Universities, Technical Colleges, Children and Families
SB 734: Creating a Guardian Training Requirement
Nathan Ruffolo, Disability Benefits Specialist and Sibling
March 10, 2020

Thank you for the opportunity to provide my perspective on SB 734. This bill would create a requirement that volunteer and non-corporate guardians receive basic training in the areas in which they will be expected to exercise decision-making prior to accepting appointment, and allow for readily accessible training materials for guardians. Based on experiences as an advocate and a disability professional there is an unmet need for training guardians prior to them assuming their responsibilities, as well as a lack resources to support individuals transitioning into the role of a guardian. As a benefits specialist and sibling of a person with disabilities I am in regular contact with families that have guardianship and are seeking assistance with future planning and benefits. Often times these individuals reach out because they are taking over guardianship for an aging family member or have already transitioned into the role. These individuals are seeking to provide the best possible care they can for their ward but frequently have had little to no training or assistance in understanding the guardianship process before taking over the role.

This bill would help bridge the knowledge gap that frequently exists between a parent that may have been a guardian for a ward since the age of 18 and the family member or friend that is taking over guardianship due to age or illness of the current guardian. Providing proper care and fulfilling the requirements of guardianship requires assisting the ward in many facets of their life and frequently some of these tasks become second nature to the original guardian. However as that guardian ages and prepares to transfer guardianship the explanation of some of these tasks, especially ones that occur less frequently, may be forgotten in the whirlwind process. This issue can be even more prevalent in situations where a guardian passes away unexpectedly. This bill would help create a backstop that would allow an individual taking over guardianship to go into the process with a fuller understanding of what is required for them to properly fulfill the role of guardian and the extent and limits of the guardianship agreement.

A major benefit to this proposal is that the materials created pursuant to it would be generally available as training and orientation materials for people long before they are involved in an actual guardianship as well as after guardianship is in place. This will allow this material to be readily accessible and available as reference materials for families as they participate in future planning and can help prospective new guardians understand what will be required when they step into the role of guardian. It will also be available that once a new guardian is in place they can access the material as a reference for questions of process and procedure that may go unanswered now.

In addition the training will also cover less restrictive alternatives to guardianship. This can be useful in helping new guardians understand the limits of their responsibilities and authority if the ward has a limited guardianship in place. The nature of limited guardianship agreements are not always well understood and providing resources to new guardians to help them understand the nature of the different types and restrictions of guardianship will ensure that they are able to fulfill their duties properly and provide the best possible care for the ward.

From my perspective, a critical area where guardians need training and orientation relates to the requirements and duties of the role of guardian and understanding the different forms of guardianship agreements. I see issues stemming from this lack of knowledge and readily accessible resources on a regular basis.

- An individual was seeking employment with a local agency. The individual had secured a position and she went to complete the necessary pre-hire documents to begin work. The

guardian did not realize they would need to be present to complete these documents as well and did not arrive. This prevented the individual from completing the documents and starting the job in a timely fashion and very nearly cost her the position.

- An individual had taken over as guardian for a sibling after the current guardian, a parent, passed away unexpectedly. This individual understood some of the role of guardian but wanted additional support and was not able to seek out additional training easily. Further this family had multiple siblings and the ward would likely benefit from a co-guardianship agreement, but due to a lack of available resources it is difficult for the family to find information on the co-guardianship process and to also make sure everyone has a clear understanding of what guardianship would entail.
- A myriad of families that are working to future plan and make sure a new guardian, frequently a sibling is in place and ready to take over. These individuals are trying to balance their own responsibilities and figure out what will be expected of them going forward. They lack a clear resource or path to follow to get this information easily. Some guidance is available through different sources but no clear and readily accessible source exists.
- In addition many guardians that have taken over for an aging guardian and do not fully understand the role. This can lead to confusion and processes not being completed in a timely fashion that require the guardian and are important for the ward, such as Social Security and Medicaid renewals. This is not done with malicious intent but these tasks and many others may only occur once a year and new guardians may not understand that this is part of their responsibilities which can lead to lapses in coverage or payment stoppages.

I appreciate the opportunity to provide this testimony to the committee.

March 9, 2020

Dear Representative Zimmerman and others,

Thank you for your outstanding service to this great state and thank you for hosting this hearing. My apologies for not being able to be there in person.

Guardianship is a large undertaking for guardian appointees, often times when a person is appointed as a guardian they feel bombarded by the process and confused by the complexity of the system. For this reason, I support the guardianship bill, Senate Bill 734/Assembly Bill 786, fully.

My understanding is that this bill would not be of any additional costs to the counties or the courts.

The proposed bill would provide web based training for prospective guardians about guardianship laws, the guardianship process and educate them of alternatives to guardianship so they can make informed decisions along with the person.

This idea is good for Wisconsin. Thanks again for your service and support and hopefully this bill will help Wisconsin for generations to come.

Ramsey Lee
1100 St.Croix Heights
Hudson, WI 54016

March 10, 2020

Chairman Kooyenga,

Senate Committee on Universities, Technical Colleges, Children and Families

My name is David Pinno. I am a self advocate

Thousands of people are under Guardianship. Man aren't sure what rights they have and whether guardians are letting them make as many decisions about their own lives as they should be.

I have many friends who are under Guardianship and am here today to ask you.

Please support **SB734/AB786**

this bill includes online training accessibility to Guardians and
online training is also accessible to people who may become or are under guardianship.

Thank you

David Pinno

Schmidt, Melissa

From: Bentz, Nick
Sent: Tuesday, March 10, 2020 12:40 PM
To: Hoey, Joseph; Janis, Nick; Keith, Rachel; Lambert, RJ; Lonergan, Sandy; Mikalsen, Mike; Sargent, Justin; Schmidt, Dan; Schmidt, Melissa; Schmudlach, Shelby; Sen.Bewley; Sen.Darling; Sen.Kooyenga; Sen.Larson; Sen.Nass; Sen.Olsen; Sen.Schachtner; Smith, Sarah; Tomten, Amanda; Youngman, Lori; Zantow, Jenna
Subject: FW: Testimony in support of SB 734/AB 786

Committee members and staff,

Please consider the testimony below regarding Senate Bill 734.

Thanks,

Nick Bentz
State Sen. Dale Kooyenga
5th Senate District
310 South, State Capitol
608-266-2512
Nick.Bentz@legis.wi.gov

Follow Sen. Kooyenga on [Facebook](#) and [Twitter](#).
Visit Sen. Kooyenga's [website](#).

NOTE: Emails sent to and from this account may be subject to open records requests and should not be considered private.

From: Kelli Simpkins <mickeykelli@gmail.com>
Sent: Tuesday, March 10, 2020 9:49 AM
To: Bentz, Nick <Nick.Bentz@legis.wisconsin.gov>
Subject: Testimony in support of SB 734/AB 786

Senator Kooyenga, Chair,
Senate Committee on Universities, Technical Colleges, Children and Families Committee, State Capitol, Room 310 S,
Madison WI 53707

Dear Senator Kooyenga and Committee Members:

My name is Kelli Simpkins, and I am the parent of a 17-year-old with a significant disability. I am unable to attend the public hearing on SB 734/AB 786 due to an unforeseen conflict. I am writing in support of these bills, and request that my testimony be distributed to the committee and included in the record of committee proceedings.

As my son Mickey approached his 17th birthday this past November, I began to experience a lot of anxiety and sleepless nights thinking about his future and all the next year would bring. The upcoming road to transition has my husband, and I filled with questions and uncertainty. Our son doesn't read or write and has limited verbal language abilities. In decades past, we would have only had the option of guardianship for our child. We are

excited to have options like Supported Decision Making and various forms of Power of attorney that would allow him to keep his civil rights in his adult life, but navigating our way through the pros and cons is daunting. We are left to find out for ourselves the complexities and consequences each decision might hold with little guidance. We feel so isolated and overwhelmed by the process of making such a serious, life long commitment without really understanding what it might mean for all of us. Our son has a complex seizure disorder, and we are already receiving pressure from the healthcare system that we need to have a plan to obtain guardianship. We know we have options, but figuring out what is the right path is exasperating without any formal guidance.

Bill SB 734/AB 786 would provide the much-needed information and training we need as a family to make an educated decision that will have life long implications for our child. The idea of having an accessible web-based training on guardianship would allow us as caregivers to understand the ins and outs of guardianship. As a family, this support would give us such a solid foundation on the alternatives to guardianship and what our roles and responsibilities would be. Also, this everyday language training would be available to educate medical staff, direct service providers, and teachers, who are often at the center of our lives, an accurate understanding of guardianship and the alternatives.

Thank you for the opportunity to share our families story and why we support Bill SB, 734/AB 786.

Best,

Kelli Simpkins
8409 Elderberry Road
Madison, WI 53717
609-532-5532
mickeykelli@gmail.com